

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
CARTY S. CHANG
Interim Chairperson**

**Before the House Committee on
WATER & LAND**

**Monday, February 9, 2015
10:00 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 1325
RELATING TO STORMWATER MANAGEMENT**

House Bill 1325 proposes to amend Section 46-1.5, Hawaii Revised Statutes, to add to the general powers and limitation of the counties the authority to charge user fees to create and maintain stormwater management systems or infrastructure in order to encourage protection of water resources. **While the Department of Land and Natural Resources (Department) supports augmenting Hawaii's natural water resources through the capture and reuse of stormwater, the Department nonetheless defers to the counties regarding the undertaking of the actions called for in this measure.**

As an island state, Hawaii has limited access to natural fresh water supplies. Rising development pressure, population growth, and climate change are expected to create more stressors and competition for water in the future. Therefore, it is imperative to study and promote resource augmentation with options like stormwater reclamation and reuse. Stormwater is an underutilized resource in Hawaii that could be captured and reused for purposes such as irrigation and other non-potable uses.

Beneficial reuse of stormwater would help to preserve our limited natural water resources. It will help to achieve our goal of "the right water for the right use" in that non-potable needs may be satisfied with an alternative non-potable water source, thereby reserving higher quality water for domestic and other higher quality uses. It will reduce the amount of polluted runoff that fouls our inland waterways and nearshore waters. It should help to achieve better compliance with the Clean Water Act and reduce potential future enforcement actions and sanctions. For these reasons, the creation of stormwater management systems to capture and reuse stormwater would be beneficial to the State of Hawaii.

CARTY S. CHANG
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STATE PARKS

The Department defers to the Department of Health with regard to any rules, regulations, or concerns with stormwater reclamation and reuse.

cullen2-Dawn Marie

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 08, 2015 10:31 AM
To: waltestimony
Cc: henry.lifeoftheland@gmail.com
Subject: Submitted testimony for HB1325 on Feb 9, 2015 10:00AM

HB1325

Submitted on: 2/8/2015

Testimony for WAL on Feb 9, 2015 10:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Henry Curtis	Life of the Land	Support	No

Comments: Please pass this bill. Mahalo

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Rafael Bergstrom
Surfrider Foundation Oahu Chapter
House Bill 1325: Re: Stormwater Management
Committee on Water & Land, Hearing February 9th 10AM
In Strong Support

Aloha Chair Yamane & Vice Chair Cullen,

My name is Rafael Bergstrom and I am the Oahu Chapter Coordinator for the Surfrider Foundation and I am writing to voice my strong support for HB 1325 in the Committee on Water and Land. Over the past 2 years I have been working with a diversely educated group spanning from non-profits, environmental consultants and scientists, the legislature, Department of Health, and the City and County to understand the best solutions to stormwater runoff pollution. HB 1325, protecting the City and Counties in their efforts to establish a stormwater utility, is a very important first step. The bill does not require the fee at this moment, but simply gives state level protections for a needed solution to a very serious problem.

Stormwater is an abstract non-point source pollution that needs serious attention, as it is the largest contributor of pollutants to our vital near-shore ecosystems. As we continue to pave over our landscapes we are channelizing runoff and pollutants into storm drains that empty, untreated, in our oceans. In addition, as rain hits hard, impervious surfaces we are losing the ability to re-charge our fresh water supplies as runoff has no way of infiltrating back into our aquifers. Water security and the protection of our most lucrative natural resources are major issues the state of Hawai'i must address in the immediate future.

Many hours of research have been invested in understanding the best avenues for addressing this pressing issue. The stormwater utility is a solution sweeping the nation and will eventually provide a dedicated and transparent fund to clean up and prevent the degradation associated with runoff. Many organizations have already begun other EPA recommended steps of education and demonstration sites that must occur in the first years of implementation. Assuring state level protections is part of this initial stepping stone sequence towards creating a utility in the future.

We truly have an opportunity to begin a movement of change that will make our islands a greener, less polluted, and sustainable environment to live in for the foreseeable future. Thank you for considering this important piece of legislation and please let me know if you have any questions.

Mahalo for your time and effort,
Rafael Bergstrom



HAWAII CHAPTER
U.S. GREEN BUILDING COUNCIL

LATE

February 8, 2015

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SENATE COMMITTEE ON WATER AND LAND

TESTIMONY IN SUPPORT OF HOUSE BILL 1325

Dear Chair Yamane & Vice Chair Cullen:

The US Green Building Council Hawaii Chapter **supports** HB1325. We believe responsible and sustainable stormwater management is a key component of sustainable development and protecting water resources and public health. As Hawaii continues to develop, more natural drainage systems will be altered or completely replaced with impervious surface such as roads and houses. Fundamentally this means a loss of rainwater recharge back into the ground and the potential for increased pollution into Hawaii's streams and coastal environments. Presently in Hawaii, urban areas contribute trillions of gallons of stormwater runoff annually that carry bacteria, fertilizers, pesticides, heavy metals, oils and other noxious pollutants into our streams and oceans, killing coral reefs and affecting our recreational waters. For certain counties where MS4 permits for stormwater management are in place, this has also become problematic as meeting federal Environmental Protection Agency water quality requirements has become increasingly challenging.

State level support for a county municipal stormwater utility may be a solution. The passing of this bill will provide the level of support for the counties to create the programs required to move Hawaii towards more sustainable stormwater management practices.

We'd also like to acknowledge that this bill upholds the Hawaii State Constitution by helping to protect water resources for the benefit of the people and Hawaii's native ecosystems that rely on clean water. We strongly support HB1325.

Sincerely,

Lauren C. Roth Venu
Co-Chair
USGBC Hawaii Chapter Advocacy Committee
808-781-7583
lauren@rothecological.com

LATE

Testimony of The Nature Conservancy of Hawai'i
Supporting H.B. 1325 Relating to Stormwater Management
House Committee on Water and Land
Monday, February 9, 2015, 10:00AM, Room 325

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of the lands and waters upon which life in these islands depends. The Conservancy has helped to protect nearly 200,000 acres of natural lands in Hawai'i. Today, we actively manage more than 35,000 acres in 11 nature preserves on Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.

The Nature Conservancy supports H.B. 1325 authorizing counties to establish stormwater utilities and related infrastructure.

Scientists estimate that populations of many of Hawai'i's near shore reef fishes have declined by more than 75% over the past 100 years. Marine managers, community stewards, and scientists across the state are also cataloguing and working to address increased instances of coral disease, bleaching and reef smothering alien algae. Scientific analysis together with long-term community experience and observation suggest that a number of factors are contributing to and exacerbating these threats to Hawai'i's marine health, including over-harvesting of fishes, land-based sources of pollution, as well as higher temperatures and acidification due to human induced climate change. Degradation of Hawai'i's reefs and near shore environments is not only a detriment to our health and quality of life, but also a grave loss to Hawai'i's economy, safety, and to a cultural heritage that is unique in the world.

Caring for the health and future productivity of Hawai'i's fresh and marine waters requires a combination of strategies in an ahupua'a approach. Taking care of watershed forests, upgrading wastewater treatment systems, enhancing water re-use, preventing and controlling invasive species, encouraging responsible resource use, and retiring and replacing outdated infrastructure are all a part of the solution to the variety of threats we face. Encouraging the adoption of best practices and infrastructure investment by the counties to capture and retain rainfall before it becomes stormwater run-off is one important component of this collective effort.

Thank you for the opportunity to testify on this measure.

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**Conservation Council
for Hawai'i**

Hawai'i's voice for wildlife

Kō Hawai'i leo no nā holoholona lōhiu

LATE

Testimony Submitted to the
House Committee on Water and Land

Hearing: Monday, February 9, 2015 10 am, Room 325

In Support of HB 1325 Relating to Stormwater Management

Aloha, Chair Yamane, Vice Chair Cullen, and Members of the Committee. The Conservation Council for Hawai'i supports HB 1325, which authorizes the counties to establish and charge user fees for stormwater management.

Stormwater runoff is one of the most significant sources of degradation to our streams and nearshore waters. It is one of the most persistent challenges we face to protecting human health, wildlife and aquatic habitats, quality of life, and the economy.

Economic incentives to landowners and others to prevent stormwater runoff and pollution make sense. As the owner of more than an acre in a drainage on the Windward side of O'ahu, I am listening and standing by to kokua. Offering economic incentives in the form of charging people who do not divert runoff into streams and the ocean may be the most cost effective way to address this problem.

In addition to preventing the pollution associated with stormwater runoff, we need the water. With climate change and drought upon us, we need to divert as much water as possible to be used on properties for irrigation and to recharge aquifers. In rural and conservation areas, removal of introduced browsing and grazing animals, and invasive plants, along with reforestation are effective solutions to stormwater runoff.

Here is a photo of stormwater runoff as it collects in the urban environment and flows directly to the ocean without any filtering or treatment. Please kokua.

Sincerely,

Marjorie Ziegler



Conservation Council for Hawai'i is a nonprofit, environmental membership organization dedicated to protecting native Hawaiian plants, animals, and ecosystems for future generations.

Established in 1950 and based in Honolulu, CCH is one of the largest and most effective wildlife organizations in Hawai'i with more than 5,000 members and supporters, including concerned citizens, educators, scientists, government agencies, and elected officials.

Through research, education, service, organizing, and legal advocacy, CCH works to stop the destruction of native wildlife and wild places in Hawai'i.

Since 1973, CCH has served as the Hawai'i state affiliate of the National Wildlife Federation.

Telephone/Fax: 808.593.0255 | email: info@conservehi.org | web: www.conservehi.org
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Marjorie Ziegler

LATE

Jodi Malinoski
Surfrider Foundation Oahu Chapter
House Bill 1325: Stormwater Management
Committee on Water and Land, Hearing February 9th, 2015 at 10 AM
Strong Support

Dear Chair Yamane and Vice Chair Cullen,

Aloha and good morning. My name is Jodi Malinoski and I am the Rise Above Plastics Coordinator for Surfrider Foundation Oahu Chapter. The Rise Above Plastics coalition comprises of five environmental groups: Surfrider Foundation, Styrophobia, Sustainable Coastlines, Conservation Council for Hawaii, and Kōkua Hawaii Foundation; I am writing to represent our coalition who is in strong support of House Bill 1325.

Although this Bill does not specifically deal with plastic pollution, it involves pollutants from non-point sources that are affecting our near shore aquatic environments and therefore are an issue of our coalition's concerns. Stormwater is a major form of non-point source pollution, and its importance was identified in the early 1990's by the U.S. congress and EPA as a "significant factor in coastal water degradation" that is "linked to major coastal problems". In Hawaii, this pollution is derived from sources such as impervious surfaces and parking lots, agricultural sediments and subsequent nutrient loads, and persistent organic pollutants such as pesticides. Currently, this type of pollution is being untreated and unfiltered before running off into our oceans. When left uncontrolled, this water pollution can result in the destruction of fish, wildlife, and aquatic life habitats, a loss in aesthetic value, and threats to public health due to contaminated food, drinking water supplies, and recreational waterways.

It is therefore imperative that this Bill be passed in order to provide the counties of Hawaii the authority to set up a stormwater utility. This Bill could eventually lead to a dedicated fund for cities and counties to cleanup and prevent stormwater, while simultaneously incentivizing green infrastructure and low impact development. This Bill would also allow a greater amount of rainfall to be recharged to our underground aquifers, ensuring future water security for the Islands. This Bill would facilitate the city and counties of Hawaii's ability to administer a fee or funding for a stormwater utility; it is a crucial first step to protect Hawaii's coastal environments from this pollution and protect our resources that we rely upon for our drinking water, fisheries, and tourism industry.

In Hawaii, stormwater runoff is variable depending on the weather. While we cannot predict or prevent storms, factors such as climate change have already been linked to increased frequency and intensity of storms. In today's Star-Advertiser I read an article that indicates different areas of the islands are experiencing unexpected rainfall patterns, which are not linked to natural patterns such as La Niña and El Niño years. We need to consider the Earth's changing environment as a reason to pass this Bill for Hawaii's future. No one likes to swim in a dirty beach after the rain. The sediments and nutrients that are being runoff into our oceans are affecting not only our environment, but have health and economic impacts as well. On behalf of the Rise Above Plastics Coalition, I urge you to pass HB 1325 and thank you for this opportunity.

Warmest Mahalo,

Jodi Malinoski

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 08, 2015 2:41 PM
To: waltestimony
Cc: mklynch@hawaii.edu
Subject: Submitted testimony for HB1325 on Feb 9, 2015 10:00AM

HB1325

Submitted on: 2/8/2015

Testimony for WAL on Feb 9, 2015 10:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Lynch	Asia-Pacific Center for Regenerative Design	Support	No

Comments: I strongly support this bill - Stormwater is an abstract non-point source pollution that needs serious attention, as it is the largest contributor of pollutants to our vital near-shore ecosystems. Protecting our near-shore coastal health means protecting the ecosystems upon which our local economies depend. Water security and the protection of our most lucrative natural resources are major issues the state of Hawai'i must address in the immediate future. Thank you for your support.

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To: waltestimony
Cc: edward.g.bohlen@hawaii.gov
Subject: Submitted testimony for HB1325 on Feb 9, 2015 10:00AM

HB1325

Submitted on: 2/8/2015

Testimony for WAL on Feb 9, 2015 10:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Edward Bohlen	Individual	Support	No

Comments: This bill is an important and useful step to empower counties to control stormwater pollution, the largest source of water pollution in Hawaii.

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LATE

Storm water is a non-point source pollution that needs serious attention, as it is the largest contributor of pollutants to our near-shore ecosystems. As more and more people need housing and we continue to pave over our land, we are channeling runoff and pollutants into storm drains that empty, untreated, into our oceans. A study of the Great Garbage Patch in our oceans found that most of that trash had been carried by runoff from land via storm drains.

When it rains onto hard, impervious surfaces such as concrete, buildings, parking lots, roads, etc., we lose the ability to re-charge our fresh water supplies. This also can cause serious flooding. With the threat of Climate Change, which is forecast to bring more intense swings in weather patterns and more severe storms, this runoff could be more serious.

Water security and the protection of our most lucrative natural resources are major issues the state of Hawai'i must address in the immediate future.

The storm water utility is a solution sweeping the nation and will eventually provide a dedicated and transparent fund to clean up and prevent the degradation associated with runoff. Many organizations have already begun other EPA recommended steps of education and demonstration sites that must occur in the first years of implementation. Assuring state level protections is part of this initial stepping stone sequence towards creating a utility in the future.

Please pass HB 1325 to establish user fees to create and maintain storm water management systems and infrastructure for our islands future.

Lois Crozer
Kailua

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 08, 2015 2:40 PM
To: waltestimony
Cc: wctanaka@gmail.com
Subject: *Submitted testimony for HB1325 on Feb 9, 2015 10:00AM*

HB1325

Submitted on: 2/8/2015

Testimony for WAL on Feb 9, 2015 10:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 08, 2015 7:55 PM
To: waltestimony
Cc: zacharyhitchcock@yahoo.com
Subject: Submitted testimony for HB1325 on Feb 9, 2015 10:00AM

HB1325

Submitted on: 2/8/2015

Testimony for WAL on Feb 9, 2015 10:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Zachary Hitchcock	Individual	Support	No

Comments: Zachary Hitchcock Chairman, Surfrider Foundation Oahu Chapter 1533 Artesian Way Honolulu, HI 96823 Dear Chairman Yamane and Vice Chair Cullen, The United States has overdeveloped its coastlines with poor attention to Storm Water and Runoff. We are adversely effecting our nearshore environment, the aquatic life, and the public that comes in contact with this Runoff. Systems have been successfully implemented, but much more needs to be done. Having spent half my life on Oahu, I have seen the impact of Storm Water Runoff first hand. The Moanalua Bay is no longer a healthy and thriving coral reef environment. It is devastated. We need to start thinking logically and practically if we are to have a healthy island environment. Systems must be researched and implemented to ensure a healthy coastal ecosystem. A Storm Water Policy must be put into place. Citizens and Industry must be made aware that they can have a detrimental effect on the environment by what they let flow into our waters. "Everything flows into the Ocean" a wise man once said. Let's take responsibility for a healthy Coastal Ecosystem and implement a strong Storm Water Runoff Policy for a healthy future on our beautiful islands. Sincerely, Zachary Hitchcock 808-222-6960

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STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

LATE

**Testimony in SUPPORT of H.B.1325
RELATING TO STORMWATER MANAGEMENT**

REPRESENTATIVE RYAN YAMANE, CHAIR
HOUSE COMMITTEE ON WATER AND LAND

Hearing Date: February 9, 2015

Room Number: 325

10:00AM

1 **Fiscal Implications: None.**

2

3 **Department Testimony:** The Department of Health (DOH) strongly supports this bill. The purpose of
4 this bill is to better protect Hawaii's natural resources and environment by allowing counties to charge
5 user fees for stormwater management. Specifically, the fees would be used to create and maintain
6 stormwater management systems or infrastructure. DOH strongly supports this bill, because it
7 addresses a statewide priority of making our waters cleaner for the health and benefit of all of Hawaii's
8 people and visitors.

9 Effective stormwater management is important, because polluted stormwater runoff is
10 discharged untreated into our streams and ocean through stormwater management systems.
11 Stormwater runoff often contains motor oil and other toxic chemicals, sediment, fertilizers, pesticides,
12 bacteria, nutrients, and debris, which potentially harm drinking water supplies, public recreation,
13 fisheries, coral reefs, and other wildlife.

14 This bill would allow the counties to better prevent harmful pollutants from being washed or
15 dumped into stormwater management systems. Such pollution prevention efforts may include
16 increasing the amount of porous (or pervious) surfaces on developed property, or implementing best
17 management practices in agricultural and conservation lands. These efforts would increase
18 groundwater recharge and stormwater infiltration, which ultimately leads to less polluted stormwater
19 runoff reaching the precious waters on which we depend.

20 The stormwater management projects that the counties would be able to carry out under this
21 program complement the pollution prevention efforts of DOH. DOH could assist the counties in these

1 efforts where applicable and collaborative funding opportunities for implementation projects addressing
2 nonpoint source pollution.

3 Thank you for the opportunity to testify on this measure.

4

5 **Offered Amendments:** None.



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LATE

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Eric K. Yeaman
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Josh Stanbro
Director, Environment and Sustainability Program
Hawai'i Community Foundation

House Bill 1325: Stormwater Management
Committee on Water and Land, Hearing February 9th, 2015 at 10 AM

Strong Support

Dear Chair Yamane, Vice Chair Cullen, and members of the Committee:

I write in strong support of House Bill 1325.

The Hawai'i Community Foundation (HCF) is one of the oldest and largest philanthropic foundations in the Islands. Recent scientific findings regarding a downward trend of overall precipitation in Hawai'i, coupled with a trend towards more intense weather events when they do occur, have led HCF to prioritize long-term fresh water security in our work. We believe that HB 1325 is a critical and positive step towards empowering our county governments to capture increased stormwater flow and replenish island aquifers that provide 99% of our drinking water.

HCF commissioned a study in 2014 regarding "Stormwater Best Practices for State and Counties of Hawai'i" from LMI and the Low Impact Development Center. The study found over 1,400 storm water utilities successfully addressing runoff at the local government level across the United States, and yet none in operation in Hawai'i. HB 1325 provides our counties with a flexible and locally relevant tool to address the specific issues they face on each island, if they so choose. While we understand that the primary focus and benefit of stormwater utilities are pollution and runoff control in our near-shore waters, HCF believes that the fresh water recharge that will result from successful storm water retention is a critical secondary benefit that will help ensure our water supply long into the future.

We encourage your support for this innovative legislation that empowers local government to address an important environmental and economic issue. Please pass HB 1325.

Thank you,
Josh Stanbro

Alan H. Arizumi
Robert R. Bean
Mary F. G. Bitterman
Michael Broderick
Roberta F. Chu
Kimberly W. Dey
Elizabeth Rice Grossman
Richard W. Gushman, II
Robert S. Harrison
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Elliot K. Mills
Katherine G. Richardson

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